

September 25, 2001

The Salisbury Planning Board held its regular meeting on Tuesday, September 25, 2001, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: DeeDee Wright, Rodney Queen, Ken Mowery, Elaine Stiller, Lou Manning, Sean Reid, Leigh Ann Loeblein, Brian Miller, Fred Dula, John Daniels, Jeff Smith, Eldridge Williams

ABSENT: None

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Janice Hartis

The meeting was called to order by Chairman Wright. The minutes of August 14 and 28, 2001, were approved as published.

ZONING MAP AMENDMENTS

Z-21-01 Greer Goodman, Town Creek and I-85 north of Bringle Ferry Road

Location: Bounded by Town Creek and Interstate 85 on the south, north of Bringle Ferry Road

Size: 5.5 acres

Existing Zoning: R-6 Two Family Residential

Proposed Zoning: M-1 Light Industrial

(a) Chairman Wright convened a courtesy hearing on Z-21-01.

Those speaking in favor of the zoning change request:

Greer Goodman, the petitioner, 1070 Mainsail Road – M-1 surrounds the property. The bigger the area you have zoned M-1 the better chance you have of locating industry on the property. There will be a service road along Interstate 85 to access the property.

Those speaking in opposition to the zoning change request:

None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Sean Reid – Doesn't think M-1 is bad, but thinks the Board should consider adding an "S" to avoid the location of billboards on this property along the interstate.

Brian Miller – Questioned access to the property from the interstate

Mr. Poole recommended sending the matter to a committee because there are a number of options for this property.

Leigh Ann Loeblein moved to send this case to a committee. The motion was seconded by Lou Manning with all members voting AYE. The chairman assigned Committee 3 (Mowery, Smith, Williams, Wright) to this case.

Z- 22-01 Charles A. Smith, 528 Grove Street

Location: 528 Grove Street (northwest corner of the intersection of Grove Street and Highland Avenue)

Size: 21,000 square feet

Existing Zoning: R-6 Two Family Residential

Proposed Zoning: B-1 Office Institutional

(a) Chairman Wright convened a courtesy hearing on Z-22-01.

Planner Patrick Kennerly indicated that this request is in an area with R-6 Two Family Residential zoning in front of the property and R-8 Single Family Residential behind the property in question. There is B-1 Office Institutional zoning along the Mocksville Avenue corridor and along a portion of Grove Street. Should the Planning Board decide to recommend rezoning the current request, staff recommends looking at including the R-6 property at the rear of the Professional Building in order to avoid a doughnut hole in the B-1 zoning.

Those speaking in favor of the zoning change request:

Charles Smith, 528 Grove Street, the petitioner. No one is interested in the property at this time, but seeks the rezoning to business in order to get more money for his property if he decides to sell it.

Max Smith – The medical community has been expanding for the last 20 years. In another 20 years it will extend down Grove, Cemetery and Highland. All who have moved in have been in asset to the neighborhood.

David Harrison, Harrison's Florist, sent a letter in support of the rezoning.

Those speaking in opposition to the zoning change request:

Tom Lynch, 957 Confederate Avenue and owns property at 1020 Highland Avenue – There's no tie-in to B-1 and is completely surrounded by R-6 and R-8 zoning. The only tie-in would be the diagonal corner in the 600 block of Grove Street. The back portion of Dr. Farrington's parking lot (along Highland Avenue) is currently zoned R-6. The residents are trying to keep a residential continuity along Highland Avenue. He indicated he would like to see a plan for the area, not just one parcel. The neighborhood needs communication from the medical community.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Ken Mowery – Agrees with Mr. Lynch that there needs to be a plan for the area. A Medical Services district was established in order to specifically look at Mocksville Avenue. This may be the time to look at this entire area and make a plan for Mocksville Avenue, Highland, and Grove streets.

Jeff Smith and Rodney Queen both agreed that now is the time for a small area study.

Sean Reid – B-1 may not be appropriate for this property due to the permitted uses. This is crucial space to the hospital. Need to take into consideration opinions of the neighborhood before considering this area for a Medical Services District.

DeeDee Wright – Concerned that residents of Jersey City were not present at the meeting.

Brian Miller moved to refer this matter to a Small Area Study Committee. The motion was seconded by Ken Mowery with all members voting AYE. The following members volunteered to serve on the committee: Leigh Ann Loeblein, chair; Sean Reid; Brian Miller; Rodney Queen; Eldridge Williams.

Z-23-01 Jerry M. Cauble and Brenda C. Hatley, 2630/2640 Statesville Boulevard

Location: Property located at 2630 and 2640 Statesville Boulevard (house on front portion of property (2630) and beauty shop on back portion of property (2640)

Size: .62 acres

Existing Zoning: R-20 Single Family-20 Residential

Proposed Zoning: B-CS Convenience Service Business

(a) Chairman Wright convened a courtesy hearing on Z-23-01.

Those speaking in favor of the zoning change request:

Jerry Cauble, petitioner – The beauty shop is a nonconforming use. If something should happen to the beauty shop, it could not be rebuilt. The widening of U. S. 70 is taking part of the property.

Those speaking in opposition to the zoning change request:

None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Elaine Stiller – In light of the fact that we have a U. S. 70 corridor study committee already looking at the area on U. S. 70 between Holly Avenue and the extraterritorial jurisdictional area, she felt it was premature to rezone this one property at this time and suggested waiting to take action until the committee made their report.

Ken Mowery, a member of the U. S. 70 study committee, indicated that although the committee is not finished with the study, this rezoning request does not go against anything the committee has talked about. The committee has talked about perhaps having business-type zoning in pods wherever there is median breaks along the new U. S. 70 highway. This request fits that thinking. He indicated he would be in favor of the rezoning.

Sean Reid agreed with Ken Mowery. It seems logical to include this property with the adjacent B-CS zoned property. B-CS is the least intrusive district outside residential.

Rodney Queen – It's pretty obvious that the residential market for this end of Statesville Boulevard will be eliminated with the widening of U. S. 70. Feels that the study should be completed before rezoning this one piece of property.

Jeff Smith, also a member of the U. S. 70 study committee, agreed that it seems appropriate to rezone this property.

Sean Reid moved to recommend rezoning the property as proposed. The motion was seconded by John Daniels with all members voting AYE except Elaine Stiller who voted NAY. The motion carried.

Z- 24-01 John Leatherman, Jake Alexander Blvd. at N. C. 150

Location: Intersection of Jake Alexander Boulevard and N. C. 150 (present location of vacant video rental building and adjoining vacant lot)

Size: Two lots containing approximately 2.4 acres

Existing Zoning: B-7-S Special Limited Business District

Proposed Zoning: B-7 Limited Business District

(a) Chairman Wright convened a courtesy hearing on Z-24-01.

Those speaking in favor of the zoning change request:

John Leatherman, petitioner – A portion of the vacant building has been rented to Pizza Hut for take-out delivery service. The rest of the building remains vacant and has been that way for over two years. When he purchased the property, it was zoned Limited Light Industrial which allowed a number of permitted uses which he did not want for the property. He requested and received a downzoning to B-7-S in order for the video store to occupy the building. The business went bankrupt and the building has been vacant ever since.

Those speaking in opposition to the zoning change request:

Tony Blackwell, CCB (which is located in the B-1 zoned property next to the property in question) – The B-7 district still leaves 78 or 79 potential uses for this property, including automobile sales lot which he objected to the last time this same property came before the Planning Board for rezoning to B-6-S. If Mr. Leatherman would bring something specific to the Board as to what he would like to put on the property, most business uses he would not object to. Does object to an openended list of 78 or 79 potential uses for this property.

Mark Lewis, CCB – It is not in the best interest for the developer, the residents or the city for this building to sit empty. We need to see what we can do to assist the developer to expand his options. We must also look at the fact that these two pieces of property are part of a group development that extends all the way down Jake Alexander Boulevard and is zoned B-1 Office Institutional. Most of the people objecting to the rezoning requests for this corner property are not directly behind the property in question but instead live on Rosemont Street. They recognized the fact that the corner property could possibly support a higher use than just office institutional. However, they were afraid of what might locate on the property. Setbacks, lighting, fencing, and certain permitted uses were made part of the special use rezoning. Some of the uses that are not included in the special use permit could possibly be added which would not be objectionable to the rest of the group development. He also suggested looking at the 14 conditions that were approved at the time of the B-7-S rezoning and consider possibly dropping some of them.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Jeff Smith – Opposes the rezoning to B-7 as it is not appropriate for this corner. He moved to send this to a committee and for the committee to look at the 14 restrictions which were placed on this property at the time of its rezoning to B-7-S. The motion was seconded by Fred Dula with all members voting AYE except John Daniels who voted NAY. The motion carried. Committee 2 (Loeblein, Daniels, Queen, Manning) was assigned to this case.

Z-25S-01 Yates Development LLC, 1414 South Fulton Street

Location: Vacant lot located at 1414 South Fulton Street (between Maupin and Heilig avenues)

Size: Approximately 19,800 square feet

Existing Zoning: R-8 Single Family-8 Residential

Proposed Zoning: B-CS-S Special Convenience Service Business District

Proposed Uses: All uses permitted in the B-CS district except for the following: ABC stores, convenience stores, any and all sales of alcohol

Proposed Conditions: None

Mr. Yates' earlier request (Z-17-01) to rezone the property to B-CS was recommended for approval by the Planning Board but denied by City Council. The primary opposition expressed at the Planning Board courtesy hearing, the committee meeting, as well as the City Council public hearing was the possibility of a convenience store (or any type of establishment) which would sell alcoholic beverage locating on the property. The Council agreed to let Mr. Yates reapply for rezoning the property to B-CS-S which he has done, indicating that there would be no permitted uses which allow the sale of alcoholic beverages on the property.

(a) Chairman Wright convened a courtesy hearing on Z-25S-01.

Those speaking in favor of the zoning change request:

Lane Yates, petitioner – Commercial is more useful rather than R-8 Single Family Residential. B-CS is the most restrictive and most appropriate district for this property

Those speaking in opposition to the zoning change request:

None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Ken Mowery – Surprised not to see Fulton Heights neighbors here at the meeting. Doesn't think this property was ever a part of the Fulton Heights neighborhood and, at one time, had a store on the property. This could provide some buffering from the B-6 area.

John Daniels moved to recommend the rezoning as proposed. The motion was seconded by Rodney Queen with all members voting AYE.

GROUP DEVELOPMENTS

G-8-01 Waterworks Visual Arts Center, 123 East Liberty Street

An application has been submitted for the renovation and addition to the structure located at 123 East Liberty Street. The building will be the new location for the Waterworks Visual Arts Center. The Planning Board and City Council have previously approved the parking and landscaping in this area. The Technical Review Committee recommends approval. On a motion by Leigh Ann Loeblein, seconded by Fred Dula, with all members voting AYE, the site plan was recommended for approval.

G-9-01 Anvil Iron Works, 1707 South Main Street

An application has been submitted by Phillip Butler for an addition to the existing structure. The Technical Review Committee recommends approval. On a motion by Jeff Smith, seconded by Lou Manning, with all members voting AYE, the site plan was recommended for approval.

COMMITTEE REPORTS

(a) U. S. 70 Corridor Study Committee – Jeff Smith gave a status report on the committee’s van tour of Statesville Boulevard between Holly Avenue and the ETJ (near Enon Church Road). The committee will meet again to begin making their recommendations.

(b) Legislative Committee – Sean Reid gave a status report on the committee’s work dealing with the uses now allowed in the B-CS district and whether some of those uses should be eliminated.

(c) Rules of Procedure – Jeff Smith reported for the committee. Several proposed changes were submitted at the August 14 meeting.

The first change is to Article VII, Attendance, Section 2, which stipulates that a board member will be notified in writing when he misses more than two consecutive or more than 15% of regular Board meetings, or more than three consecutive or more than 20% of committee meetings, during a rolling 12-month period. This proposed amendment comes to the Board from the committee with a motion to approve. The motion was unanimously approved.

The next change is to Article VII, Attendance, Section 3, which stipulates that a board member who misses more than 25% of regular Planning Board meetings or more than 35% of committee meetings during a rolling 12-month period will be reported to City Council or County Commissioners asking that the member be replaced. The committee is also recommending that Section 4, dealing with excused absences, be eliminated. These proposed amendments come to the Board from the committee with a motion to approve. The motion was unanimously approved.

The next change is to Article II, Election of Officers, Section 6, adding the word “consecutive” to the statement that the chairman shall have at least two consecutive years’ experience as a member of the Planning Board and eliminating the word “consecutive” from the requirement that the chairman shall serve a maximum of two consecutive years. This proposed

amendment comes to the Board from the committee with a motion to approve. All members voted AYE except Sean Reid who voted NAY. Motion carried.

(d) Transportation Committee – Fred Dula reported that the committee had held one meeting where City Engineer Dan Mikkelson presented the Transportation Improvement Program (TIP) which shows funded projects, unfunded projects, and other city transportation efforts. The committee will need to study the list of unfunded TIP projects in order to prioritize the list for recommendation to City Council. The committee will meet again after studying the 15-page handout in more detail in order to have a recommendation ready for the next meeting.

There being no further business to come before the Board, the meeting was adjourned.

Chairman

Secretary